

**Legislative Rule-Making Review Committee**  
**Minutes for Wednesday, December 9, 2020**

**House Chamber**  
**9:00 a.m. to 5:00 p.m.**

**Senate**

Sypolt, Chair	Present
Baldwin	Present
Jeffries	Present
Roberts	
Rucker	Present
Weld	Present
Carmichael, Nonvoting	

**House**

Foster, G., Chair	Present
Butler	Present
Fleischauer	Present
Martin, P.	Present
Rowe	Present
Steele	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the House Chamber at 9:00 a.m. on Wednesday, December 9, 2020. The meeting was called to order by the Chair, Delegate Foster. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Jeff Johnson, Senate Counsel; Mark McOwen, House Counsel; Robert Akers, House Counsel; Carl Fletcher, Senate Counsel; James Fuerhoff, Director of Legislative Rule-Making Review Committee.

1. Mark McOwen, Associate Counsel, explained his abstract on the rule proposed by the **Ron Yost Personal Assistance Services Act Board, 198 CSR 01**

On motion of Senator Sypolt, the rule was approved as filed.

2. Mark McOwen, Associate Counsel, explained his abstract on the rule proposed by the **Racing Commission, Thoroughbred Racing, 178 CSR 01**, and responded to questions from the Committee.

Kelli Talbot, Senior Deputy AG & Attorney for Racing Commission, addressed the Committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

3. Mark McOwen, Associate Counsel, explained his abstract on the rule proposed by the **Racing Commission, Greyhound Racing, 178 CSR 02**.

On motion of Senator Sypolt, the rule was approved as filed.

4. Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Racing Commission, Advance Deposit Account Wagering, 178 CSR 10.**

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

5. Jeff Johnson, Associate Counsel, explained his abstract on the rule proposed by the **Lottery Commission, West Virginia Lottery Interactive Wagering Rule, 179 CSR 10.**

John Myers, Director, West Virginia Lottery Commission, addressed the Committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

6. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Commissioner of Agriculture, Animal Disease Control, 61 CSR 01.**

On motion of Senator Sypolt, the rule was approved as filed.

7. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Commissioner of Agriculture, West Virginia Seed Law, 61 CSR 09,** and responded to questions from the Committee.

Jennifer Greenlief, General Counsel, West Virginia Department of Agriculture, addressed the Committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

8. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Commissioner of Agriculture, Inspection of Meat and Poultry, 61 CSR 16.**

On motion of Senator Sypolt, the rule was approved as filed.

9. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Commissioner of Agriculture, Poultry Litter and Manure Movement into Primary Poultry Breeder Rearing Areas, 61 CSR 28.**

On motion of Senator Sypolt, the rule was approved as filed.

10. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Commissioner of Agriculture, Seed Certification Program, 61 CSR 39,** and responded to questions from the Committee.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

11. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Commissioner of Agriculture, WV Exempted Dairy Farms and Milk and Milk Products Processing Rules, 61 CSR 40.**

On motion of Senator Sypolt, the rule was approved as filed.

12. Carl Fletcher, Associate Counsel, explained his abstract on the rule proposed by the **Livestock Care Standards Board, Livestock Care Standards, 73 CSR 01.**

On motion of Senator Sypolt, the rule was approved as filed.

13. Robert Akers, Associate Counsel, explained his abstract on the rule proposed by the **West Virginia State Tax Department, Downstream Natural Gas Manufacturing Investment Tax Credit, 110 CSR 13GG,** and responded to questions from the Committee.

Steve Stockton, Legal Division, West Virginia State Tax Department, addressed the Committee and responded to questions.

On motion of Senator Sypolt, the rule was approved as filed.

14. Robert Akers, Associate Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Voluntary Remediation and Redevelopment Rule, 60 CSR 03,** and responded to questions from the Committee.

Jason Wandling, General Counsel, Department of Environmental Protection, addressed the Committee and responded to questions.

Ross Brittain, Environmental Toxicologist, Department of Environmental Protection, addressed the Committee and responded to questions.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

On motion of Senator Sypolt, the rule was approved as modified.

15. Robert Akers, Associate Counsel, explained his abstract on the rule proposed by the **Department of Environmental Protection, Requirements Governing Water Quality Standards, 47 CSR 02,** and responded to questions from the Committee.

Jason Wandling, General Counsel, Department of Environmental Protection, addressed the Committee and responded to questions.

Laura Cooper, Water Quality Standards Division, Department of Environmental Protection, addressed the Committee and responded to questions.

Scott Mandirola, Deputy Cabinet Secretary, Department of Environmental Protection, addressed the Committee and responded to questions.

Angie Rosser, Executive Director, West Virginia Rivers Coalition, addressed the Committee and responded to questions.

Delegates Fleischauer, Rowe, and Senator Baldwin moved to amend the rule as follows:

To amend Appendix E, Table one, for the parameter for Acrylonitrile (ug/l) retaining the .66 limit for Human Health C, and 0.059 for Human Health A;

And,

To amend Appendix E, Table one, for the parameter for Bromoform (ug/l) retaining the 120 limit for Human Health C, and 4.3 for Human Health A;

And,

To amend Appendix E, Table one, for the parameter for Carbon tetrachloride (ug/l) retaining the 4.4 limit for Human Health C, and 0.25 for Human Health A;

And,

To amend Appendix E, Table one, for the parameter for Chloloform (ug/l) retaining the 470 limit for Human Health C, and 5.7 for Human Health A;

And,

To amend Appendix E, Table one, for the parameter for Dichlorobromomethane (ug/l) retaining the 17 limit for Human Health C, and 0.55 for Human Health A; and

And,

To amend Appendix E, Table one, for the parameter for Endrin retaining the 2.3 limit for Human Health C, and 2.3 for Human Health A and all other uses;

And,

To amend Appendix E, Table one, for the parameter for Methylene Chloride (ug/l) retaining the 590 limit for Human Health C, and 4.6 for Human Health A;

And,

To amend Appendix E, Table one, for the parameter for Tetrachloroethylene (ug/l) retaining the 8.85 limit for Human Health C, and 0.8 for Human Health A;

And,

To amend Appendix E, Table one, for the parameter for 1,1,2,2-tetracloroethane (ug/l) retaining the 0.17 limit for Human Health A;

To amend Appendix E, Table one, for the parameter for l,l-dichloroethylene (ug/l) retaining the 3.2 limit for Human Health C, and 0.03 for Human Health A;

And,

To amend Appendix E, Table one, for the parameter for l,2-dichloroethane (ug/l) retaining the 99 limit for Human Health C, and 0.035 for Human Health A;

And,

To amend Appendix E, Table one, for the parameter for 8.25.2 2-Chlorophenol (ug/l) retaining the 400 limit for Human Health C;

And,

To amend Appendix E, Table one, for the parameter for 8.25.5 2,4-Dinitrophenol (ug/l) retaining the 2,300 limit for Human Health C.

Delegate Fleischauer requested a roll call on adoption of the amendment and the demand was sustained.

With Delegates Fleischauer, Rowe, Senators Baldwin and Jeffries voting in favor of the amendment, and Delegates Foster, Steele, Martin, Butler, and Senators Sypolt, Rucker, and Weld voting in opposition to the amendment, the motion to amend was rejected.

On motion of Senator Sypolt, the agency agreed to modifications were adopted.

Delegates Fleischauer and Rowe requested their “no” votes on the motion to adopt the agency agreed to modifications be reflected in the minutes.

On motion of Senator Sypolt, the rule was approved as modified.

Delegates Fleischauer and Rowe requested their “no” votes on the motion to approve the rule as modified be reflected in the minutes.

On motion of Senator Sypolt, the Committee directs the staff to: prepare the Committee’s report and submit the report to the Clerk’s office of each House; draft a bill of authorization for each rule contained in the report; and cause the bills to be introduced in each house with the Chairs of the Committee as sponsors in their respective houses.

16. James Fuerhoff, Director, Legislative Rule Making Review Committee, addressed the Committee and responded to questions regarding potential sunset legislation for the upcoming 2021 Legislative Session.

On motion of Senator Sypolt, the Committee adopted the proposed legislation as an interim bill recommended by the Committee.

With no further business to come before the Committee, Senator Sypolt moved to adjourn. The motion was adopted. The Committee adjourned at approximately 1:45 PM.